

1 THACHER PROFFITT & WOOD LLP  
2 KERRY FORD CUNNINGHAM (*Pro Hac Vice*, SBN 2862126NY)  
3 Two World Financial Center  
4 New York, NY 10281  
5 Phone: 212.912.7400  
6 Fax: 212.912.7751

Attorneys for Defendant First American eAppraiseIT

**Filed**  
APR 10 2008  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 FELTON A. SPEARS, JR. and SIDNEY  
12 SCHOLL, on behalf of themselves and all  
13 others similarly situated,

Plaintiff,

v.

15 WASHINGTON MUTUAL, INC., a  
16 Washington corporation; FIRST AMERICAN  
17 EAPPRAISEIT, a Delaware corporation; and  
18 LENDER'S SERVICE, INC.,

Defendant.

CASE NO.: 5:08-CV-00868 (HRL)

Honorable Howard R. Lloyd

CLASS ACTION

APPLICATION FOR ADMISSION OF  
KERRY FORD CUNNINGHAM *PRO*  
*HAC VICE*

DEMAND FOR JURY TRIAL

19 Pursuant to Civil L.R. 11-3, Kerry Ford Cunningham, an active member in good standing of  
20 the bar of the United States District Court for the Southern District of New York, hereby applies for  
21 admission to practice in the Northern District of California on a *pro hac vice* basis representing the  
22 Defendant First American eAppraiseIT in the above-entitled action.

23 In support of this application, I certify on oath that:

24 1. I am an active member in good standing of a United States Court or of the highest  
25 court of another State or the District of Columbia, as indicated above;

26 2. I agree to abide by the Standards of Professional Conduct set fourth in Civil Local  
27 Rule 11-4, to comply with General Order No. 45, Electrical Case Filing, and to become familiar with  
28 the Local Rules and the Alternative Dispute Resolution programs of this Court; and,

1           3.     An attorney who is a member of the bar of this Court in good standing and who  
2 maintains an office within the State of California has been designated as co-counsel in the above-  
3 entitled action. The name, address and telephone number of that attorney is:

4           Michael T. Fogarty  
5           McDONOUGH HOLLAND & ALLEN PC  
6           555 Capitol Mall, 9th Floor  
7           Sacramento, CA 95814-4692  
8           Tel: (916) 444-3900

9           I declare under penalty of perjury that the foregoing is true and correct.

10          DATED: March 31, 2008

11                           THACHER PROFFITT & WOOD LLP

12                           By: Kerry Ford Cunningham  
13                           KERRY FORD CUNNINGHAM

14                           Attorneys for Defendant First American  
15                           eAppraiseIT